

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 760 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

DINESHCHANDRA M SHAH

Versus

NATVARLAL P JARIWALA

Appearance:

MS VASUBEN P SHAH for Petitioner
MR SH SANJANWALA for Respondent

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 28/09/2000

ORAL JUDGEMENT

Rule. Mr.S.H.Sanjanwala, learned advocate for the respondent waives service of notice of Rule on behalf of the respondent. At the joint request of the learned advocates appearing for the respective parties, the

matter is taken up for final hearing today.

2. Present petitioner-original plaintiff of Small Suit No.133 of 1987 has filed the present Civil Revision Application against the two concurrent orders passed by the Courts below upon injunction application Ex.5 wherein the say of the original plaintiff that he is the tenant of the terrace of the property in question has not been prima-facie believed by both the Courts. Against the concurrent orders, present petition has been preferred by the original plaintiff in the year 1991. When it has come up for admission, this Court (Coram:M.S.Parikh,J.) issued notice on 18-7-1991 which was made returnable on 16-8-1991 and status quo as regards the terrace was also granted. Thereafter, no further order was passed in this matter. Even the matter was not admitted by the Court and it remained at notice stage for the last ten years continuing the interim order.

3. I have gone through the reasoned orders passed by the Courts. It appears that both the Courts below prima-facie did not believe the tenancy rights of the petitioner upon the terrace in question except that the plaintiff is having the antenna etc. fitted on the terrace.

4. With the above observation, this Civil Revision Application stands disposed of. Notice is discharged. Rule is discharged. Status quo granted earlier is hereby vacated.

(R.P.DHOLAKIA,.)

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